

REMARKS

Summary of the Office Action

Claims 1-20 are pending. Of the above claims 17-20 have been cancelled.

Claims 1-8 and 10-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 6,273,910 to Limon (hereinafter “Limon”).

Claims 9 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Limon.

Summary of the Response

Withdrawn claims 17-20 have been cancelled.

Claim 11 has been amended. No new matter has been added by the amendment. It is respectfully submitted that entry and consideration of the amendment will not require significant consideration and/or an additional search because the amendment merely clarifies a previously argued position.

The rejections of claims 1-16 are respectfully traversed.

Rejections

Claims 1-8 and 10-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Limon. Claims 9 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Limon.

Claim 1 recites inter alia “means for engaging the distal section of the vascular prosthesis . . .” wherein the means for engaging is “affixed to the elongated member proximal of the balloon.” It is alleged at page 4 of the Office Action that this limitation is disclosed by Limon, Fig. 10, shows “that ‘shoulder 43’ is indeed affixed to ‘elongated member/catheter 38

proximal of balloon 40.” Applicants respectfully submit that this statement is factually incorrect.

At column 9, lines 7-15, Limon states:

“Referring (sic) to FIG. 10, during deployment of the preferred embodiment of the present invention, balloon 40 of delivery catheter 38 tends to inflate in an uneven manner along its length due to the increased resistance to radial expansion the stent 10 imposes about the mid-section of the balloon. Consequently *the balloon inflates* first, along a path of least resistance, at the proximal 39 and distal 41 balloon ends, *to form torodially shaped lobes 43 abutting the ends of the stent in a ‘dog bone’ fashion*” (*emphasis added*).

Lobes/shoulder 43 form when balloon 40 is inflated, because lobes/shoulder 43 correspond to parts of the balloon at which resistance to radial expansion is lower. Lobes/shoulder 43 are part of balloon 40. It is logically inconsistent to assert that shoulder 43 is affixed to the inner member of the catheter proximal of balloon 40, when in fact shoulder 43 is part of the balloon. Clearly, a thing cannot be in front of itself.

Because Limon does not disclose means for engaging “affixed to the elongated member proximal of the balloon,” the reference fails to disclose every limitation of claim 1. Therefore, Limon is distinguished by claim 1, as well as claims 2-9 which depend from claim 1.

Amended claim 11 recites a catheter comprising inter alia “a polymer layer affixed to the elongated member at a position proximal of the balloon.” Limon only discloses structures, etc. disposed on balloon 40 to hold the stent on the balloon. Claim 11 requires the polymer layer to be disposed proximal of the balloon. This is because the stent is not crimped or retained on the balloon as in Limon. Rather, the stent is disposed on the catheter proximal of the balloon.

As discussed above, the balloon cannot be proximal of itself. Therefore, Limon fails to disclose, teach, or suggest a polymer layer disposed at a position proximal of the balloon as required by claim 11 and the reference is distinguished by claim 11, as well as by claims 12-15 which depend therefrom.

Accordingly, it is respectfully requested that the rejection of claims 1-8 and 10-15 under 35 U.S.C. § 102(b) as being anticipated by Limon be reconsidered and withdrawn. It is further requested that it is respectfully requested that the rejection of claims 9 and 16 under 35 U.S.C. § 103(a) as being obvious over Limon be reconsidered and withdrawn.

Conclusion

In view of the foregoing amendments and remarks, applicants submit that the application, including claims 1-16, is in condition for allowance. An early and favorable response is earnestly requested.

Dated: February 27, 2008

Respectfully submitted,

/MJDeHaemerJr#39164/
Michael J. DeHaemer, Jr.
Reg. No. 39,164
Attorney for Applicants

LUCE, FORWARD,
HAMILTON & SCRIPPS, LLP
11988 El Camino Real, Suite 200
San Diego, California 92130
Tel: (858) 720-6300
Fax: (858) 720-6306